

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

JAY and JUDY IDE, as parents
and next friend of JON IDE, a
minor child.

Plaintiff,

vs.

INDEPENDENT SCHOOL
DISTRICT NO. OF TULSA
COUNTY, aka BROKEN ARROW
PUBLIC SCHOOLS.

Defendants.

FILED

FEB 12 2001

Phil Lombardi, Clerk
U.S. DISTRICT COURT

Case No.

01CV0105H (E)

**PLAINTIFF'S MOTION FOR
ATTORNEY'S FEES AND COSTS**

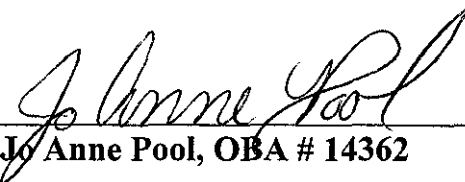
Plaintiff moves the Court for an order awarding plaintiff his reasonable attorney's fees and costs incurred in prosecuting Due Process Hearing No. 1683

Plaintiff seeks an award of \$ 66,712.50 attorney's fees, and \$ 6,480.90 in costs.

Plaintiff sets forth his authorities for such award in the accompanying brief filed concurrently herewith, and the evidence supporting such an award in the affidavit attached thereto as Exhibit A.

Respectfully Submitted,

JO ANNE POOL, Attorney for Plaintiff


Jo Anne Pool, OBA # 14362

David R. Blades, OBA # 15187
1861 E. 15th Street
Tulsa, OK 74104-4610
(918) 747-4600

CERTIFICATE OF SERVICE

The undersigned certifies that on the twelfth day of February, 2001, a copy of the foregoing PLAINTIFF'S MOTION FOR ATTORNEY'S FEES AND COSTS to was mailed to :

Andrea Kunkel
Rosenstein, Fist and Ringold
525 South Main Suite 700
Tulsa, OK 74103


Jo Anne Pool

Affidavit

I Jo Anne Pool affirm that I expended 258.05 hours of legal services on this action. That I charged \$150 per hour for a total of \$38,700. These hours represent services Expended for pretrial of a due process hearing and nineteen days of hearing time. I Affirm that the attached itemized statement is correct. I affirm that the itemized expenses In this case is correct and equals \$6,480.90

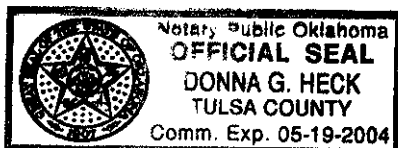

Jo Anne Pool

Suscribed and sworn before me on this 12th day of February 2001


Notary

My commission expires.

5-19-2004

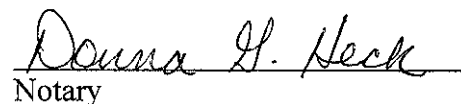


Affidavit

I David R. Blades affirm that I expended 187.25 hours of legal services on this action. That I charged \$150 per hour for a total of \$28,012.50. These hours represent services Expended for pretrial of a due process hearing and nineteen days of hearing time. I Affirm that the attached itemized statement is correct.

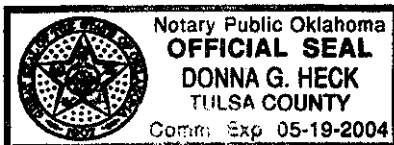

David Blades

Suscribed and sworn before me on this 12th day of February 2001


Notary

My commission expires.

5-19-2004



Jo Anne Pool, Esq.
1861 E. 15th Street
Tulsa, OK 74104

(918) 747-4600
(918) 744-6300

ACTIVITY CODES

- | | | | | | |
|---------------------------------|-------------------------------|-----------------------------------|--------------------------------|-----------------------------------|--------------------------------|
| 01 - Analysis and evaluation of | 06 - Court appearance re | 11 - Miscellaneous | 16 - Prepare letter to | 21 - Review letter from | 26 - Telephone call to |
| 02 - Attend | 07 - Deposition of | 12 - Preparation for | 17 - Prepare opinion letter to | 22 - Revise | 27 - Telephone conference with |
| 03 - Attend deposition of | 08 - Document inspection | 13 - Preparation of | 18 - Prepare status report | 23 - Settlement negotiations with | 28 - Travel to |
| 04 - Arrange services of | 09 - Factual investigation re | 14 - Preparation for trial, incl: | 19 - Review | 24 - Take depositions of | 29 - Trial of |
| 05 - Conferences with | 10 - Legal research re | 15 - Prepare and file | 20 - Review file | 25 - Telephone call from | |

Client and Matter	Date	Hours	Costs	Act. Code	Activity Description
Jon Ide v. Broken Arrow Public Schools, DPH No. 1683					
	8-13-99	3.50	525.00	10	File review. Research regarding FERPA violations, accompanying cause of action under 42 USC 1983, and exhaustion of administrative remedies under IDEA.
	10-16-99	2.25	337.50	05	Co-counsel. Identify legal issues.
	10-20-99	9.00	1350.00	13	Draft Due Process Request.
	11-10-99	4.25	637.50	12	Preparation for hearing. Reviewed file and prepare exhibits for hearing.
	11-10-99	.30	37.50	16	Hearing Officer with enclosures.
	11-12-99	.50	75.00	21	Gary Gerber, director of special services BAPS to Judy Ide.
	11-12-99	1.25	187.50	05	Co-counsel. Review file and discuss legal issues and strategy. Plan discovery.
	11-15-99	.25	37.50	21	Opposing counsel to Mr. and Mrs. Jay Ide. Explaining rights.
	11-17-99	.25	37.50	21	Opposing counsel to Hearing Officer.
	11-19-99	.25	37.50	16	Judy Ide with enclosures. Forwarding letters from School District.
	11-24-99	.50	75.00	21	Opposing counsel to Hearing Officer with enclosures.
	11-24-99	.50	75.00	21	Opposing counsel to Hearing Officer with enclosures.
	11-27-99	.25	37.50	21	Opposing counsel to Hearing Officer.
	11-29-99	.25	37.50	21	Opposing counsel.
	11-30-99	.25	37.50	21	Opposing counsel.

Client and Matter	Date	Hours	Costs	Act. Code	Activity Description
	12-01-99	.25	37.50	16	Opposing counsel.
	12-01-99	.25	37.50	21	Opposing counsel. Extension of time.
	12-05-99	.25	37.50	16	Dr. Mary Jane Bias with attachments. Subpoena Duces Tecum.
	12-07-99	.25	37.50	16	Opposing counsel.
	12-07-99	9.50	1425.00	13	Response to subpoena for Judy Ide.
	12-15-99	.25	37.50	21	Hearing Officer regarding continuance.
	12-15-99	.25	37.50	21	Opposing counsel.
	12-15-99	1.50	225.00	05	Co-counsel. Discuss legal issues and status of hearing request. Discuss strategy.
	12-28-99	.25	37.50	16	Opposing counsel.
	12-30-99	.25	37.50	21	Opposing counsel.
	12-30-99	.25	37.50	16	Opposing counsel.
	12-30-99	.25	37.50	21	Opposing counsel.
	12-30-99	.25	37.50	16	Opposing counsel.
	12-30-99	.25	37.50	16	Opposing counsel.
	12-30-99	.25	37.50	16	Hearing Officer.
	1-03-00	.25	37.50	21	Opposing counsel.
	1-06-00	.25	37.50	21	Opposing counsel.
	1-10-00	.25	37.50	16	Opposing counsel.
	1-10-00	.25	37.50	21	Hearing Officer.
	1-15-00	.25	37.50	21	Opposing counsel.
	1-16-00	.25	37.50	21	Opposing counsel.
	1-17-00	.50	75.00	16	Opposing counsel.
	1-18-00	.50	75.00	21	Opposing counsel.
	1-19-00	.25	37.50	19	Protective Order.
	1-20-00	3.00	450.00	08	Review of documents requested at the office of defense counsel.
	1-21-00	1.75	262.50	05	Co-counsel. Discuss legal issues. Plan additional discovery.
	1-21-00	.25	37.50	16	Opposing counsel.

Client and Matter	Date	Hours	Costs	Act. Code	Activity Description
	1-23-00	3.00	450.00	13	Subpoena's for Streets, Katterhenry, Maxwell, Greer, Hamilton, Dorsey, Summers, Mr. Dean, Reddus, Robertson, Brown, Arnold, Nold.
	1-24-00	.25	37.50	16	Hearing Officer with enclosures.
	1-25-00	17.00	2550.00	13	Witness and Exhibit List. Review all evidence. Identify and name exhibits.
	1-25-00	.25	37.50	21	Opposing counsel to Hearing Officer.
	1-25-00	.50	75.00	21	Opposing counsel with enclosures.
	1-27-00	.25	37.50	21	Opposing counsel.
	1-28-00	4.00	600.00	10	Eligibility under IDEA for Learning Disabilities. ADD/ADHD served under LD or Other Health Impaired.
	1-28-00	.75	112.50	21	Settlement Offer.
	1-28-00	.25	37.50	16	Opposing counsel.
	1-29-00	.75	112.50	26	Client to discuss settlement offer.
	1-31-00	5.50	825.00	07	Attend depositions of Hamilton, Streets and Greer.
	1-31-00	.25	37.50	21	Opposing counsel.
	2-02-00	1.50	225.00	12	Prepare for deposition of Susan Katterhenry.
	2-03-00	3.00	450.00	07	Attend deposition of Susan Katterhenry.
	2-04-00	3.50	525.00	02	IEP eligibility meeting. To consider eligibility for special education services.
	2-04-00	.75	112.50	08	Testing Protocols of School District.
	2-08-00	6.00	900.00	06	First day of Administrative Hearing. Testimony of Judy Ide.
	2-20-00	1.50	225.00	14	Conference with Judy Ide prior to her continuation on cross examination. Prepare witness.
	2-23-00	6.00	900.00	06	Second day of Administrative Hearing. Testimony of Judy Ide.
	3-06-00	6.00	900.00	06	Third day of Administrative Hearing. Testimony of Judy Ide and Dr. Nelson.
	3-08-00	.75	112.50	05	Co-counsel. Discuss strategy of hearing. Prepare plan for witnesses.
	3-21-00	5.50	825.00	06	Fourth day of Administrative Hearing. Testimony of Dr. Eric Nelson.
	3-22-00	6.50	975.00	06	Fifth day of Administrative Hearing. Testimony of Judy Ide and Hamilton.

Client and Matter	Date	Hours	Costs	Act. Code	Activity Description
	4-3-00	2.25	337.50	14	Reviewing exhibits relating to elementary grades. Deposition of Susan Katterhenry.
	4-4-00	7.50	1125.00	06	Sixth day of Administrative Hearing. Testimony of <u>Katterhenry</u> and <u>Streets</u> .
	4-4-00	2.75	412.50	14	Prepare for Direct Examination of Witness. Review Math records, testing, and exhibits related to 6 th grade.
	4-5-00	8.00	1200.00	06	Seventh day of Administrative Hearing. Testimony of <u>Streets</u> and <u>Dorsey</u> .
	4-19-00	2.25	337.50	05	Co-counsel. Discuss strategy for hearing. Discuss legal issues related to facts. Evaluate witness plan.
	5-13-00	3.75	562.50	14	Preparation for direct of school psychometrist <u>Pinkerton</u> .
	5-14-00	2.50	375.00	14	Prepare for continuation of Dorsey as witness. Review file and exhibits related to 6 th grade, math, and testing records.
	5-15-00	7.00	1050.00	06	Eighth day of Administrative Hearing. Testimony of <u>Dorsey</u> , <u>Robertson</u> , <u>Arnold</u> .
	5-15-00	2.50	375.00	14	Exhibits. Direct examination of school counselor.
	5-16-00	7.50	1125.00	06	Ninth day of Administrative Hearing. Testimony of <u>Arnold</u> and <u>Alexander</u> .
	5-16-00	1.25	187.50	14	Continued testimony of school counselor.
	5-17-00	8.00	1200.00	06	Tenth day of Administrative Hearing. Testimony of <u>Alexander</u> and <u>Summers</u> .
	5-17-00	2.25	337.50	14	Review exhibits relating to evaluation of student, subsequent meetings.
	5-18-00	8.00	1200.00	06	Eleventh day of Administrative Hearing. Testimony of <u>Evans</u> , <u>Brown</u> and <u>Pinkerton</u> .
	5-19-00	6.50	975.00	06	Twelfth day of Administrative Hearing. Testimony of <u>Pinkerton</u> and <u>Little</u> .
	5-21-00	.25	37.50	16	Expert Witness, Dr. Rineer.
	5-21-00	.50	75.00	14	Preparation by co-counsel to complete direct examination of <u>Little</u> on Monday, May 22, 2000.
	5-22-00	3.50	525.00	06	Thirteenth day of Administrative Hearing. Testimony of <u>Little</u> , <u>King</u> and <u>Holleyman</u> .
	5-22-00	1.25	187.50	14	Direct Examination of school psychologist.
	5-23-00	7.00	1050.00	06	Fourteenth day of Administrative Hearing. Testimony of <u>J. Dwyer</u> and <u>Gasal</u> .

Client and Matter	Date	Hours	Costs	Act. Code	Activity Description
	2-05-01	2.25	337.50	19	Hearing Officer Decision.
TOTALS		258.05	38700.00		

David R. Blades, Esq.
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Tulsa, OK 74104

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Jon Ide v. Broken Arrow Public Schools, DPH No. 1683					
	8-13-99	3.50	525.00	10	File review. Research regarding FERPA violations, accompanying cause of action under 42 USC 1983, Section 504 and exhaustion of administrative remedies under IDEA.
	10-16-99	2.25	337.50	05	Co-counsel. Identify legal issues.
	11-12-99	1.25	187.50	05	Co-counsel. Review file and discuss legal issues and strategy. Discovery.
	12-15-99	1.50	225.00	05	Co-counsel. Discuss legal issues and status of hearing request. Discuss strategy.
	1-21-00	1.75	262.50	05	Co-counsel. Discuss legal issues. Plan additional discovery.
	1-24-00	1.50	225.00	20	Identify witnesses to be deposed. Review file.
	1-30-00	5.0	750.00	12	Prepare for depositions of Hamilton, Streets and Greer.
	1-31-00	5.50	825.00	07	Attend depositions of Hamilton, Streets and Greer.
	2-01-00	.50	75.00	16,28	Letter to opposing counsel concerning the provision of readable copy of grade book. Also, drove the witness and exhibit list for the administrative hearing to the opposing counsel's office.
	2-02-00	1.50	225.00	12	Prepare for deposition of Susan Katterhenry.
	2-03-00	3.00	450.00	07	Attend deposition of Susan Katterhenry.
	2-06-00	2.75	412.50	14	Witness preparation for Direct Examination, Judy Ide.
	2-07-00	1.50	150.00	05	Dr. Eric Nelson regarding test protocols.
	2-08-00	6.00	900.00	06	First day of Administrative Hearing. Testimony of Judy Ide.

Client and Matter	Date	Hours	Costs	Act. Code	Activity Description
	2-19-00	1.50	225.00	14	Conference with Client to discuss status of legal issues.
	2-20-00	1.50	225.00	14	Conference with Judy Ide to prepare her for continuation on cross examination.
	2-21-00	1.50	225.00	14	Preparation of Witness: Dr. Eric Nelson.
	2-23-00	6.00	900.00	06	Second day of Administrative Hearing. Testimony of Judy Ide.
	3-06-00	6.00	900.00	06	Third day of Administrative Hearing. Testimony of Judy Ide and Dr. Eric Nelson.
	3-08-00	.75	112.50	05	Co-counsel. Discuss strategy of hearing. Prepare plan for witnesses.
	3-20-00	2.00	300.00	14	Prepare for Direct Exam of Witness.
	3-21-00	5.50	825.00	06	Fourth day of Administrative Hearing. Testimony of Dr. Eric Nelson.
	3-22-00	2.50	375.00	14	Review deposition of Hamilton and Street and school records and exhibits relating to elementary grades.
	3-22-00	6.50	975.00	06	Fifth day of Administrative Hearing. Testimony of Judy Ide and Hamilton.
	4-3-00	1.50	225.00	14	Review File and review deposition of Phil Streets to prepare for witness testimony.
	4-4-00	.50	75.00	14	File Review. Reviewed policy and procedures of BAPS to prepare for witness testimony.
	4-4-00	7.50	1125.00	06	Sixth day of Administrative Hearing. Testimony of Katterhenry and Streets.
	4-4-00	2.00	300.00	14	Prepare for examination of witness, Streets.
	4-5-00	8.00	1200.00	06	Seventh day of Administrative Hearing. Testimony of Streets and Dorsey.
	4-19-00	2.25	337.50	05	Co-counsel. Discuss strategy for hearing. Discuss legal issues related to facts. Evaluate witness plan.
	5-9-00	.25	37.50	26	Dr. Mary Rineer, faxed test information conducted by BAPS
	5-14-00	2.50	375.00	14	Prepare to direct examination of witnesses.
	5-15-00	7.00	1050.00	06	Eighth day of Administrative Hearing. Testimony of Dorsey, Roberson, Arnold.
	5-16-00	7.50	1125.00	06	Ninth day of Administrative Hearing. Testimony of Arnold and Alexander.
	5-17-00	2.00	300.00	14	Reviewed SAC and SAC exhibits. Prepared for Testimony of Summers and Brown.

Client and Matter	Date	Hours	Costs	Act. Code	Activity Description
	5-17-00	8.00	1200.00	06	Tenth day of Administrative Hearing. Testimony of Alexander and Summers.
	5-18-00	8.00	1200.00	06	Eleventh day of Administrative Hearing. Testimony of Evans, Brown and Pinkerton.
	5-19-00	6.50	975.00	06	Twelfth day of Administrative Hearing. Testimony of Pinkerton and Little.
	5-21-00	.50	75.00	14	Preparation of co-counsel to complete direct examination of Little on Monday, May 22, 2000.
	5-22-00	3.50	525.00	06	Thirteenth day of Administrative Hearing. Testimony of Little, King and Holleyman.
	5-23-00	7.00	1050.00	06	Fourteenth day of Administrative Hearing. Testimony of J.Dwyer and Gasal.
	5-23-00	1.00	150.00	05	Conference with Dr. Rineer regarding testimony in hearing.
	5-24-00	6.50	975.00	06	Fifteenth day of Administrative Hearing. Testimony of Dr. Rineer and Jeff.
	5-26-00	1.75	262.50	05	Co-counsel. Discuss witness plan. Legal issues. Plan hearing strategy.
	6-15-00	2.50	375.00	14	Review Exhibits and prepare for Direct Exam of Carol Lunn.
	6-16-00	7.00	1050.00	06	Sixteenth day of Administrative Hearing. Testimony of Dr. Gary Gerber and Carol Lunn.
	6-19-00	1.00	150.00	14	Preparation for continuation of Carol Lunn as witness.
	6-20-00	6.50	975.00	06	Seventeenth day of Administrative Hearing. Testimony of Carol Lunn.
	7-10-00	4.00	600.00	06	Eighteenth day of Administrative Hearing. Testimony of Dr. Rineer and Sandy Montgomery.
	7-11-00	3.50	525.00	06	Nineteenth day of Administrative Hearing. Testimony of Dr. Chronister and Pinkerton.
	8-08-00	4.50	675.00	13	Draft portion of Trial Brief
	9-13-00	1.00	150.00	13	Prepare Trial Brief. Review and edit.
	12-20-00	.25	37.50	25	Client concerning the status of the belated Hearing Officer order.
	2-05-01	.25	37.50	26	Randall Huggins. Regarding receipt of Hearing Decision.
	2-05-01	1.50	225.00	19	Hearing Officer Decision.
	2-05-01	.25	37.50	25	Client. RE: Hearing Decision.
TOTALS		187.25	28012.50		